

- HIGHLY CONFIDENTIAL -

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

No. 96-2-15056-8SEA

AMERICAN TOBACCO, et al.,

Defendants.

DEPOSITION OF RICHARD G. UHL

October 2, 1997
Richmond, Virginia

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Chandler & Halasz

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Deposition of RICHARD G. UHL, taken by and before Michaela Herman Davis, RPR, commissioned as Michaela H. Herman, notary public in and for the Commonwealth of Virginia at large, pursuant to Rule 4:5 of the Rules of the Supreme Court of Virginia, Notice to Take Deposition, and by agreement of counsel; commencing at 9:12 a.m., October 2, 1997, at the law offices of Hunton & Williams, 951 East Byrd Street, Richmond, Virginia.

Appearances:

HAGENS & BERMAN

By: JENIPHR A. E. BRECKENRIDGE, ESQ.,
attorney, of counsel for the plaintiff

HUNTON & WILLIAMS

By: J. BURKE MCCORMICK, ESQ.,
and PAUL T. CREEDEN, ESQ.,
attorneys, of counsel for the defendant
Philip Morris

HELLER, EHRMAN, WHITE & MCAULIFFE

By: MAURA SCOTT BLANK, ESQ.,
attorney, of counsel for the defendant
Philip Morris

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I N D E X

Deponent:	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
Richard G. Uhl	4	-	-	-

UHL EXHIBITS

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RICHARD G. UHL

was sworn and testified as follows:

DIRECT EXAMINATION

BY MS. BRECKENRIDGE:

Q Good morning, Mr. Uhl.

A Good morning.

Q Am I pronouncing your name correctly?

A Uhl is fine.

Q

REDACTED

A

Q And have you ever had your deposition taken before, Mr. Uhl?

A No, ma'am.

Q Let me give you a few guidelines which your lawyers may have already mentioned to you. We are asking you questions today in the case of the State of Washington versus Philip Morris, among other tobacco companies. And in the course of asking you questions, I want to be very clear with you. The most important thing is for you and I to understand each other. If at any time I'm using terminology that's meaningless to you or ask a question that isn't clear, please let me know so I can clarify it for you. If

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at the same time you feel at any point of the day you need a break or like to take five minutes, let me know, and I will certainly accommodate you.

A Okay.

Q Have you ever testified at any trial or testified before any governmental body, Mr. Uhl?

A I testified before a grand jury in Washington.

Q Is that Washington, D.C.?

A Yes.

Q And was that testimony related to your employment at Philip Morris?

A Yes, it was.

Q And when was that?

A Approximately a year ago.

Q Can you tell me what the topic of your testimony was?

MR. MCCORMICK: I'll object to the question and instruct him not to answer on the grounds it is confidential.

MS. BRECKENRIDGE: It is confidential because?

MR. MCCORMICK: Of the grand jury proceedings, and it's our position we're instructing the Philip Morris witnesses not to violate the secrecy or confidentiality of the grand jury proceedings.

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2 MS. BRECKENRIDGE: Is the grand jury proceeding
3 ongoing?

4 MR. MCCORMICK: I really don't know.
5

6 BY MS. BRECKENRIDGE:

7 Q Can you tell me what the matter was? Did the
8 matter have a name, or was it regarding a particular process
9 at Philip Morris?

10 MR. MCCORMICK: What do you mean by a
11 particular process? Legal process?

12 MS. BRECKENRIDGE: No, I'm talking about a
13 manufacturing or tobacco process.

14 MR. MCCORMICK: Again I'll instruct him not to
15 answer. I don't think the subject matter of the inquiry is
16 such that you're entitled to inquire about it.

17 MS. BRECKENRIDGE: I think I am entitled to
18 inquire about the subject matter. I don't necessarily agree
19 that I'm not entitled to inquire about his testimony, but we
20 can't resolve that today. I think I am entitled to know
21 what the subject matter was, and I think I have elicited
22 testimony in this case already in the last several weeks
23 regarding this.

24 MR. MCCORMICK: Well, the subject matter
25 related to his employment at Philip Morris, but other than

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that, I'm not prepared to let you go any further today.

BY MS. BRECKENRIDGE:

Q All I want to know is the subject matter related to your employment at Philip Morris. What was the subject matter?

A My understanding, they were investigating or looking into the testimony given by executives.

Q Do you know which executives?

A I think the executive that testified. This was a congressional testimony. That's Mr. Waxman's committee, I believe. They didn't go into great detail.

Q Without telling me what your testimony was since we seem to have a disagreement about whether you can testify about it, can you tell me whether you had information concerning the testimony given before the Waxman committee?

MR. MCCORMICK: I'm going to instruct the witness not to answer any further questions regarding what went on at the grand jury.

MS. BRECKENRIDGE: We'll leave this line of questioning open because we have a disagreement about it.

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BY MS. BRECKENRIDGE:

Q Are you currently employed by Philip Morris?
You are, aren't you?

A Yes, ma'am.

Q What is your position?

A I'm an engineer in research.

Q Are you an engineer in research in a particular
department?

A The process development department.

Q Could you tell me what the process
development -- what the function of the process development
department is?

A We look into new and improved processes for the
production of tobacco, improvement of it.

Q And who do you report to in the process
development department?

A John Gomes.

Q Can you spell his last name, please?

A G-O-M-E-S.

Q And what is Mr. Gomes' title?

A Manager.

Q He's the manager?

A Uh-huh.

Q Is he the manager of a particular department?

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Is he manager of process development?

A No, he's manager of a tobacco processing division.

Q Is the tobacco processing division then part of R&D?

A Yes, it is.

Q Who does Mr. Gomes report to?

A Mr. Gomes reports to Mr. Burnley.

Q And Mr. Burnley is the vice president of processing development?

A Yes.

Q Is that his title?

A Process development.

Q And then if you could just tell me who Mr. Burnley reports to?

A Mr. Burnley reports to Cathy Ellis.

Q As an engineer in the -- would you call your department the research department, or is it the process development --

A We usually refer to ourselves as process development.

Q On a Philip Morris organizational chart, would you appear as process development if I was looking for your department, do you know?

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A Yes. I believe so.

Q Does Mr. Gomes have other departments reporting to him?

A No, he does not.

Q The only department reporting to Mr. Gomes would be the process development department?

A It's called tobacco processing division.

Q And are you -- is the process development department one department reporting to the tobacco processing division?

A No, the tobacco processing division is a group within process development.

Q Okay.

A And Mr. Burnley is process development.

Q I see. What is -- as an engineer in the process development department, what do you do? What is your job function?

A Most of what I've -- I do is working in the pilot plant on developing or improving tobacco processes.

Q And are there other engineers employed in your department?

A Yes, ma'am.

Q How many engineers are employed in your department?

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A I'm not exactly sure, to be honest with you. Those reporting to Mr. Gomes administratively, about 15 possibly. Just an estimate. I'm not really sure.

Q Okay. And those 15 engineers, do they all have different functions, do you know?

A They are working on different technical programs.

Q Are there any other engineers who are working in the pilot plant with you?

A Yes, ma'am.

Q Who would the other engineers working with you be?

MR. MCCORMICK: You talking about the present time?

BY MS. BRECKENRIDGE:

Q At the present time, yes, sir.

A Robert Smith, Steve Muller, Rob Pitts, Jim Baggett. There's -- those are most of the ones working in the area where I work.

Q Okay. How long have you been in your present position?

A Roughly a year.

Q And what was your previous position?

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A I was in new business development.

Q How long have you been with Philip Morris?

A 24 years. Going on 24 years.

MR. MCCORMICK: Ms. Breckenridge, before the deposition, we agreed, and I just want to put this on the record, that when we refer to Philip Morris, you mean Philip Morris USA unless you indicate otherwise.

MS. BRECKENRIDGE: Thank you for the clarification.

BY MS. BRECKENRIDGE:

Q I do mean Philip Morris USA. Your lawyer is absolutely right. Had you worked anywhere before you worked at Philip Morris?

A Yes, ma'am.

Q

A

REDACTED

Q Let me ask you this. Did you ever work at another tobacco company?

A No, ma'am.

Q Did you ever work in tobacco processing or work with tobacco additives or ingredients at any of your previous employers?

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A No, ma'am.

Q What was your first job at Philip Morris?

A As a process engineer.

Q And that would have been around 1973?

A 1973, yes, ma'am.

Q What department were you in when you started with Philip Morris?

A It was called tobacco materials division.

Q Do you recall who you reported to?

A Mr. Ken Burns.

Q What did the tobacco materials division do at that time? What was its function?

A It was process development.

Q Is there a department known as the tobacco materials division at Philip Morris today?

A No, ma'am.

Q Is there a department -- I'm sorry. Did I interrupt you?

A No.

Q Let me know if I interrupt you. I don't mean to.

A Okay.

Q Is there a department which carries out the function of the tobacco materials division today?

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A Yes. That's basically the division that I'm in now. The tobacco processing division was more of a name change than anything.

Q How long were you in the tobacco -- how long were you a process engineer in the tobacco materials division?

A Until 1993?

Q Was the department known as the tobacco materials division right up until 1993?

A I'm not exactly sure when the name change occurred.

Q Okay.

A Probably about that time.

Q What job did you take in 1993 at Philip Morris?

A As a process engineer in R&D.

Q Was that a job change for you?

A In what -- it was a job change coming to the tobacco business obviously.

Q You're right. That wasn't a very good question. When you say you became a process engineer in R&D in 1993, was that a change from what you had been doing for the previous 20 years?

A Well, I hadn't been working 20 years previously to that. But no, it's a process engineer is what I was in

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my prior employment.

Q Was the tobacco materials division part of R&D?

A Yes, ma'am.

Q In 1993 you were a process engineer in R&D.

Did you have another job between that and what you are doing today?

A I was in the new business development.

Q That's right. When were you in new business development?

A From early '93 to late '96.

Q Is new business development a Philip Morris department?

A Yes, ma'am.

Q Is it part of a larger division?

A No. I'm not sure just what -- it's part of Philip Morris USA.

Q Who did you report to in new business development?

A Jesse Williams.

Q Is Jesse Williams a man or a woman?

A A man.

Q Do you know what Mr. Williams' title was or is?

A He was team leader. I'm not sure what his official title was.

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Q Do you know who Mr. Williams reported to?

A He reports at the present time to Tim Beane.

Q Is that B-E-A-N?

A E on the end.

Q Do you know what Mr. Beane's title is?

A I believe he's director. I'm not precisely
sure.

Q Is he director of a particular area?

A He's director of machinery development
facility.

Q Did I ask you if the new business development
area is part of R&D?

A No, ma'am.

Q Is the new business development area part of
R&D?

A It's an R&D effort, but it's separate, I
believe.

Q I'm sorry. Did you say it's an R&D effort?

A Yes. It's separate from R&D, I believe,
organizationally.

Q When you say it's an R&D effort, can you tell
me what that means?

A We're trying to develop a new product. It's
not commercial.

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Q And -- are you trying to develop a new product or new products?

A Well, we'd like to have one to start with, I guess, but a new. I'm sure there would be variations.

Q Could you tell me what the new product is?

A It's a novel smoking device.

Q Does the novel smoking device have a name?

A It's referred to as Project Beta.

MR. MCCORMICK: Let's go off the record for a minute.

(Discussion off the record.)

BY MS. BRECKENRIDGE:

Q What was the new business development's role in the development of Beta?

A That was really their purpose was to develop the Beta product.

Q Who was in charge of the new business development area?

A That reports to Mr. Jack Nelson.

Q And do you know what Mr. Jack Nelson's title is?

A I believe he's senior vice president. Or vice

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1 president. I believe senior vice president, new business
2 development.
3

4 Q What was your role in the development of
5 project Beta?

6 A I was asked to develop a process to make one
7 component for the article.

8 Q And what was that component?

9 A This was a reconstituted tobacco. Sheet.

10 Q When you were working on this project, were you
11 functioning as a process engineer?

12 A Yes, ma'am.

13 Q Was your work on the project -- let me start
14 over.

15 Did your work on the project involve the
16 equipment for creating a reconstituted tobacco sheet?

17 A Yes, ma'am.

18 Q Did your work on the project include the actual
19 creation of the reconstituted tobacco sheet?

20 A Yes, ma'am.

21 Q Did your work on the project involve anything
22 other than the equipment for the reconstituted tobacco sheet
23 and the processing of the tobacco sheet?

24 A I'm not sure exactly what you're asking, but
25 generally that was it, yeah. I'm not involved in the

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product design. I'm just making that one component.

Q That's a good clarification. Who else did you work with on Project Beta? And when I say worked with, the people that you actually worked as a process engineer with. Were there other people you worked with?

A Yes, ma'am. Jim Baggett and Roggish Garge, David Clark. And then some of the technicians.

Q Were Mr. Clark, Mr. Garge and Mr. Baggett all engineers?

A Yes, ma'am.

Q Did you go to the new business development department specifically to work on Project eta?

A Yes, ma'am.

Q Was there -- who asked you to do that?

A I'm not sure who originated the request. I was just -- I was just asked to join that group to help them with that effort since I had some paper making experience.

Q That was going to be my next question. Did you have particular qualifications that made you an asset to the Beta team?

A Well, the component that they wanted me to develop was a reconstituted tobacco sheet, and I worked in the pilot plant. I've done that type of work.

Q Was the Beta project ongoing when you came to

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the new business development area?

A It had already been established, yeah.

Q Do you know when the Beta project was established?

A Not exactly.

Q Is the Beta project still ongoing?

A Yes, ma'am.

Q Are you working on that project anymore?

A I still do some support for them, but I'm not in the group anymore.

Q I'm sorry. How long did you stay in the new business development area?

A From early '93, like March, until late last year, I believe November.

Q Did you leave the new business development area because your work on Beta was finished?

A It's not finished. We had answered a lot of the Beta, a lot of the basic questions, but we're still working on it. But it's not a -- it wasn't a full-time need anymore.

Q When you started your work on the Beta project, did you start with certain basic questions?

A Yes, ma'am.

Q And who gave you those questions?

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A I guess Bruce Losey.

Q And anyone else?

A Primarily Bruce at the time.

Q What was Bruce's title at the time?

A He was a -- he was a team leader. I'm not sure what they actually call that.

Q Was he a team leader on the Beta project?

A Yes, ma'am.

Q Do you know what his job category was -- is?

A He's a scientist.

Q Okay. Can you tell me what basic questions he gave you at the outset of your work on Beta?

MR. MCCORMICK: Object to the form of the question. I don't understand what you mean. If you understand the question, go ahead and answer it.

A I'm not sure that I do. I mean --

BY MS. BRECKENRIDGE:

Q What part of the question don't you understand?

A What -- I mean the only question he gave me was how do we do this.

Q I took the term basic questions from one of your answers. I asked you when you changed from the business development department, whether you had completed

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your work on the project?

A And --

Q And I can have the court reporter read it back,
but I believe you answered a lot of basic questions.

A Right.

Q So I'm adopting your terminology.

A Those weren't so much questions he gave me.
They wanted to make a particular thing and didn't know how
to do it, so we had to figure out a way to do it.

Q What was the particular thing they wanted to
make?

A This reconstituted tobacco sheet.

Q Let me ask you about the reconstituted tobacco
sheet. What had been your experience with reconstituted
tobacco sheet prior to becoming involved in the Beta
project?

A Well, I had worked in the pilot plant.

Q And can you please tell me what the pilot plant
is?

A The pilot plant is small scale equipment. We
have the capability to make sheet in R&D. Just small scale.
It's a test facility.

Q Okay. So the sheet that you make in R&D in the
pilot plant would be different than a sheet product made in

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the BL or the RL plants?

A I can make a sheet like the RL in the pilot plant.

Q But it's a different place to make the sheet; is that correct?

A Yes. It's just a small test facility.

Q And when I say BL and RL plants, is that Philip Morris terminology?

A Yes. Park 500 is the BL plant, and the BL plant -- RL and BL are the proper names.

MR. MCCORMICK: Can you repeat what you just said?

Can you read back his answer?

(The record was read.)

A No, Park 500 is not the BL plant. Park 500 and the BL plant are the proper names.

BY MS. BRECKENRIDGE:

Q Now in the pilot plant -- why don't you tell me what you can produce in the pilot plant?

A We can produce a pilot scale RL. We have a -- we have the capability to produce a pilot scale BL and we

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can try -- we try to develop other ways of making sheet.

Q Develop other ways of making --

A Reconstituted tobacco sheets.

Q Oh, sheets.

MR. MCCORMICK: Speak up at the end of your answers.

THE DEPONENT: Okay.

BY MS. BRECKENRIDGE:

Q And when you say pilot scale, what does that mean? I'm not familiar with that term.

A That's a very small scale. It's a step between in the laboratory you might make one square foot of sheet. So this is in a pilot process. It's certainly not production equipment. But you can make -- you can make things on a more or less a continuous basis if you wanted to. It models a continuous process, but it's very slow, very small.

Q Is it accurate to say that at the pilot plant you would not be producing products to go into Philip Morris commercial products?

A No. Nothing from a pilot facility ever goes into a commercial product.

Q Would material from the pilot -- let me start

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over.

Would material produced at the pilot facility only be used for testing?

A Yes, ma'am.

Q Would material produced at the pilot facility go into cigarettes or other products that may be market tested?

A No, ma'am. Not to my knowledge.

Q Okay.

A I don't recall that ever happening.

Q Does the pilot plant provide end products for certain departments at Philip Morris?

A Yes, ma'am.

Q What would those departments be?

A Product development.

Q Any other departments?

A I'm sure -- we do stuff -- we probably have made stuff on requests for a lot of people in R&D. Product development, I know a lot for. For other people in -- for other people in process development. For the research department probably. Yes.

Q Is the pilot plant -- does the pilot plant only support R&D?

A Not exclusively. We -- we've done support for

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2 Park 500 from the standpoint of evaluating new equipment, on
3 a small scale.

4 Q Can you tell me the different kinds of work
5 which take place at the pilot plant? I know you've
6 mentioned that the pilot plant has the capability to produce
7 pilot scale BL and develop reconstituted tobacco sheets.
8 What other capabilities does the pilot plant have?

9 A I mean, that's basically it in a nutshell.
10 We'll look at improving the quality of the sheet by making
11 it more uniform. We've looked into, for example, what is
12 the best percentage of solids to have in the head box to
13 give you a uniform coating. It's called consistency on the
14 paper machine. We've looked at trying to apply paper
15 industry technology to the tobacco sheet. Some things can
16 be applied, some things can't be. One thing that we've
17 looked at, using foils instead of rolls on the paper machine
18 as an approved de-watering device. We've looked at being
19 able to mechanically squeeze water out of the sheet instead
20 of having to dry it. That did not work very well on tobacco
21 sheet.

22 Q Does the pilot plant only handle sheet?

23 A The pilot plant I work in only handles sheet.
24 There is another pilot plant that also pilots expanded
25 tobacco.

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Q Have you ever worked in the pilot plant that handles expanded tobacco? I'm trying to use your word. That pilots expanded tobacco?

A Yes, I have.

Q When did you work there?

A From November of '79 to approximately November of '83.

Q Returning your attention to the Beta project, what qualities was the Beta project group looking for in the reconstituted sheet they asked you to develop?

A What kind of properties? We were trying to add ground tobacco to the normal way you would make a reconstituted sheet.

Q And would the addition of ground tobacco be a variation on how the recon sheets are already made at Philip Morris?

A Yes, ma'am. Adding this manner, we were trying to put them on top.

Q Do you know what the effect of putting them on top would be?

A Well, it made it very difficult to make the sheet.

Q Do you know what affect on the final product putting the ground tobacco on top would have?

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A No, ma'am. I didn't get into the cigarette design. I was just asked to make the sheet.

Q In working on the sheet for the Beta project, were you given any parameters that your sheet should meet?

A We're looking for a certain weight of sheet.

Q And when you say weight, is that a measurement of the actual weight as the layperson would think of it?

A Yes, ma'am. Weight per unit area, grams per square meter.

Q Were there any other parameters that you were given to meet with your sheet?

A There were variations. The tobacco blend was different than we would ordinarily use for a reconstituted sheet. We were trying not to use stems.

Q Do you know why you were trying not to use stems?

A Because they didn't smoke good in this application. Stems don't smoke as good as the better grade leaf.

Q Were you given any parameters for nicotine? For instance, nicotine level?

A No, ma'am.

Q Were you given any parameters for ammonia level?

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A No, ma'am.

Q Were you given any other parameters other than weight and the parameters for blend?

A No, ma'am.

Q Were you involved in the blending of the tobacco use for the recon sheet? By you, I mean you, Mr. Uhl.

A No.

Q You're not a blender, are you?

A I'm not a blender.

Q Do you have any expertise or experience in blending?

A No.

Q Was the tobacco you used in your recon sheet in the Beta project already blended when you received it?

A Yes, ma'am.

Q Okay. Was there anyone on the Beta team who was responsible for the blending, do you know?

A I believe some of the Beta people, somebody at Beta must have worked with the leaf department to come up with the blend. We evaluated several blends to see what worked good in this product.

Q But that wasn't you --

A I made sheets out of different blends.

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Q Okay.

A And then submitted them and somebody else evaluated them.

Q Can you tell me about your present job in process development as an engineer in process development? What projects do you work on?

A I'm still responsible for support to the Beta program. That's still an ongoing in development. And I also provide general support in the reconstituted tobacco area. So that would be support as would be necessary for the RL process or the BL process. And we're working on trying to develop some new recon processes, and I'm involved in those.

Q Any other areas of responsibility now?

A No. I'm basically a pilot plant person.

Q When you say you're working, presently working on development of new recon processes, is that development underway in the pilot plant?

A Yes, ma'am.

Q Do you work anywhere other than the pilot plant at this time?

A No. My office is at R&D, and that's my main focus in the pilot plant.

Q Is the pilot plant located at R&D?

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A Yes.

Q Do you have employees who report to you?

A No, ma'am.

Q What support do you provide for the RL process or the BL process in your present position?

A If there's -- if there's a new process anywhere that creates a new byproduct, like a new stem process which is one thing in the other pilot they are developing -- working on trying to develop a new cut stem process, that process creates some byproducts. It's good tobacco, it's just not in a form you can use directly. It's a new feed sheet stock. I will see that if that stock can be used in RL. So we might make a pilot RL, and that will be submitted for taste testing. If the flavor development has a new flavor they want to evaluate in an RL product, we would make a test sheet for it. Or if someone doing an evaluation of changing humectant levels, we would put that on the test sheet, smoke that and see if it tasted good. We work on capacity increase items, cost reduction items, being able to run the line faster or less -- in a more economical manner.

Q Can you describe for me again what the byproduct, the new byproduct you refer to is? I wasn't sure I understood that.

A Well, there's other people in process

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development who are working on the stem process for cutting the stem into -- getting the stem into a form that resembles cut filler. This would be an improved version of the current IS process. So when you're taking a tobacco stem, if you want to think of it as a stalk of celery and getting it into something that looks like a tobacco shred. You inevitably create dust and other byproducts that can't be put in the cigarette directly or be suitable as a sheet feed stock component.

Q Okay. And you try to use the byproducts.

A Yeah. I'll make a test sheet, and it will be subjectively taste tested to see if it's an acceptable product.

Q Would your department be responsible for the taste testing?

A No, ma'am. We would make the sheets, and product development does the taste testing.

Q Do you know if in addition to the taste testing other smoke tests are done on the products you create?

A I don't really know. Ordinarily it's just smoking -- we don't even make the test cigarettes. They are made by flavor development, but I'm sure they do tars and everything because the test cigarette has to be in the right realm of a cigarette they are comparing it to.

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2 Q Have you ever been involved in that type of
3 testing? You referred to tar, for example?

4 A Tar testing, no.

5 Q Have you ever been involved in any smoke
6 testing during your career at --

7 A No, ma'am.

8 Q In your department, Mr. Uhl, who do you take
9 direction from?

10 A John Gomes.

11 Q Okay. That wasn't a very good question. Who
12 sends work orders or ideas to your department? What
13 departments?

14 A That could be a lot of different people, I
15 guess. If leaf department has a tobacco that they got
16 somewhere and wants to see if it's usable, they might give
17 that to us to make a sheet to see if it's acceptable.
18 Product development may be trying to develop a new product.
19 They might have a new flavor system. The plants might
20 have -- Park 500 might have an operational problem with a
21 certain piece of equipment. They might ask us to look for
22 an alternate piece of equipment for the BL plant. The type
23 of stuff you would -- we're kind of an equipment and testing
24 support facility for the production plants. So if there's
25 Park 500 being a paper machine type of process, if the paper

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1
2 industry comes out with, suppose they come out with new
3 infrared dryer or something that's supposed to be more
4 economical, we might test that in the pilot plant and see
5 whether it's any good for tobacco or really does better,
6 that kind of thing.

7 Q What kind of testing is conducted in your
8 department?

9 A As I said before, rate tests, capacity tests.
10 We test the strength of the sheet. We like it to have a
11 certain tensile strength so that when it goes to the primary
12 and you cut it up into shreds to put it in the cigarette, it
13 doesn't fall apart. It has to have a certain amount of
14 strength. As I said, we don't do the subjective testing.

15 Q Would the subjective testing be the smoking
16 tests?

17 A Yeah. For taste testing. We make the sheet
18 that goes into -- gets submitted for taste testing, but we
19 don't do the taste testing. I have smoked on some of these
20 evaluation panels as a blind panel member, but you might
21 taste coffee or something. So the requests for what we do
22 can come from a lot of places.

23 Q Are any chemical tests conducted by your
24 department?

25 A No. My department doesn't have any chemical

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2 testing capability. That might be the other pilot plant.

3 MS. BRECKENRIDGE: I need to have the answer
4 read back because I interrupted.

5
6 (The record was read.)

7
8 A Not the other pilot plant either. I said not
9 in my pilot plant we don't do any chemical testing.

10
11 BY MS. BRECKENRIDGE:

12 Q Do you send the products which you create in
13 your department somewhere else for chemical testing, do you
14 know?

15 A We have an analytical division in R&D that does
16 the chemical testing.

17 Q Is every product you create sent to the
18 analytical department for chemical testing?

19 A That is pretty much a standard procedure, yes.

20 Q Do you know what the analytical department
21 tests for in your products?

22 A We request for what to be tested. We submit
23 the sample with an analytical request sheet, so they test
24 for what we ask for.

25 Q Are you one of the individuals who might fill

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out the analytical request sheet?

A I don't fill it out, but I would tell the person who fills it out what I want it tested for.

Q And what tests can you request via an analytical testing request sheet?

A I don't know all the testing you can request. But I'm familiar with the -- there's certain ones that we use.

Q Can you tell me the ones that you use?

A For an RL type sheet, we would look at hot water solubles. We would test for flavors. We would test for humectants if we had them. We would test for preservatives if we add them. And then there are certain tobacco components that we normally would analyze for, that would include nitrate nitrogen, alkaloids, ammonia, phosphorous. Just to have a background --

Q I'm sorry? I didn't get that.

A To have background levels. Reducing sugars. And sometimes if it's a flavor test they will want, they might ask for specific sugars, like fructose, sucrose, glucose.

Q Once the analytical department conducts the tests which you requested, are the results of their tests sent back to you?

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A Yes, ma'am. I get to see the results, yeah.

Q And do the results come back in a memorandum --
or how are they reported to you?

A It's an analytical result sheet, basically a
fill-in of the idea that was initiated.

Q And then what do you do with the results?

A Those results are filed with the test run.

Q Are there acceptance and rejection parameters
for the these chemical tests you ask the analytical
department to conduct?

A Yes, ma'am. There are.

Q And who would those parameters come from?

A The customer for the test, normally.

Q And would the customer for the test be another
Philip Morris department?

A Yes, ma'am.

Q And how would those parameters be communicated
to you?

A Basically like if it's for flavor development,
for the product development people, if we're running a test
for them, I will usually sit down with that person and we'll
go over the results. So if he's trying to add something
that we can analyze for -- we can't analyze for everything.
If he was looking for targets of 2 percent to 4 percent and

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I hit a half a percent and 1 percent, then he's going to ask me to make it again.

And the same with humectants. We have certain target levels for humectants, and if you're much too high or much too low, it's not going to taste right. So there's no sense -- you'd be seeing the taste affect of your humectants being out of spec rather than seeing the taste affect of the flavor you're trying to evaluate. So we would have to remake the sheets.

With the hot water solubles, an RL sheet is only good in a certain range. If there's not enough solubles there, it doesn't smoke good. If there's too many there, it doesn't smoke good. So there's -- usually try to be in the 40s. Depends on the amount of additives you have.

Q What are additives that you would have? What are some?

A Flavors, humectants, preservatives.

Q Is additives a word that's used at Philip Morris?

A Yes, ma'am. I believe I've -- usually we talk about humectants or flavors rather than additives, but I guess as a class I've heard that word.

MR. MCCORMICK: Can we take a five-minute break?

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2 (Recess)

3
4 BY MS. BRECKENRIDGE:

5 Q Mr. Uhl, we were discussing the variables -- we
6 were discussing the testings that you could ask the
7 analytical department to conduct on products that come out
8 of your pilot plant. And you gave me a list, and I wanted
9 to ask you about some of the items on your list. You
10 referred to the hot water solubles. What are the hot water
11 solubles? Is that a particular list of solubles?

12 A No, ma'am. The tobacco is approximately 50
13 percent soluble material. It varies. They were just
14 extracted, and the residue is weighed and deducted from the
15 original 100 percent. What washed away is the solubles.

16 Q So do you know what washes away as part of the
17 solubles?

18 A The sugars. The nicotine would tend to follow
19 the soluble stream. Some of the more soluble salts.

20 Q Are the solubles that wash off recaptured as
21 part of the recon process?

22 A Well, I mean, we're talking about the hot water
23 solubles test. You're just taking 10 grams and washing it
24 away and see what's left. It's just a measurement of the
25 percent that's soluble and -- in other words, it divides

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tobacco into solubles and insolubles.

Q What type of humectants are you using in the RL-type sheet?

A We use propylene glycol and glycerin.

Q And what type of preservatives are you using?

A Potassium sorbate and propylparabitol(phonetic).

Q Do you ever use any ammonia or ammonia products as humectants?

A No, ma'am.

Q Do you know if they can be used as humectants?

A Not to my knowledge.

Q What about diammonium phosphate; do you ever use that as a humectant?

A No, ma'am.

Q Do you know if diammonium phosphate or any ammonia products are used as flavorants?

A Yes, ma'am.

Q Have you ever been involved, you Mr. Uhl, not your department, in the mixing of flavors?

A No. I don't get involved in flavor preparation. We add them to the process if you want to call that mixing, but not mixing flavors.

Q The flavors that you add to the process, would they come to you premixed then? Is that what you're saying?

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2 A Yeah. Not all of them though. If diammonium
3 phosphate is being used, that wouldn't be premixed. We
4 would add that separately.

5 Q When you add flavors to the process, are you
6 following a specification sheet, or are you coming up with
7 flavor combinations yourself?

8 A No, I'm following somebody's instructions. If
9 it's a flavor test, I mean, that's all specified directly
10 and then everything will come over premixed. If I'm
11 evaluating a new feed stock, then I might use a standard
12 flavor form.

13 Q How would you adjust the alkaloid content of a
14 sheet? If a test came back from the analytical testing
15 department and the alkaloid content was too low or too high,
16 how would you go about adjusting that on your next run for
17 the product?

18 A We do not adjust for alkaloid content.

19 Q As far as the list you gave me of what the
20 analytical testing department can test for, are there any of
21 those variables which you can adjust for?

22 A Yes, ma'am. I can adjust for humectant levels,
23 I can adjust for preservative levels, I can adjust for
24 flavor levels, and I can adjust for hot water solubles
25 levels in some of the processes. Not in all.

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Q How can you adjust for the hot water solubles?

A Well, in the BL process you cannot adjust it. In the RL process you're separating the solubles and the fiber and then trying to put them back together.

Q And how would you attempt an adjustment?

A We look at the -- we make the base sheet out of the fiber portion and then the solubles are added back on at a device called a size press. We can take the weight of the base sheet before the size press and the dry weight after the size press. And just from experience you know you need to hit basically a certain weight target to have about the right amount of hot water solubles. But there were shrinkage factors involved in the sheet. Square foot of sheet before the size press once it's wet up and redried may not be a square foot any more. It may be 10 inches by 10 inches, so it throws your weight off. Which is why we have to test hot water solubles. So if I ran a test of a certain weight gain of the size press and my hot water solubles were low, I would raise the weight gain after the size press for my next run and re-analyze them. Or if they were too high, I would decrease.

Q Can you adjust any of the tobacco components that you have the analytical testing department test for, the nitrate nitrogen, the alkaloids, the ammonia, the

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2 phosphorous, the reducing sugars or the specific sugars you
3 might test for as part of the flavoring process?

4 A Generally, as if I was making an unflavored
5 sheet, I could not adjust anything except I can -- I have
6 the capability to remove some of the potassium nitrate.

7 Q How --

8 A If I'm adding sugars, then obviously there's
9 going to be in addition to the sugars that are in the
10 tobacco, you're adding sugars. Obviously those could be
11 adjusted. So anything you're adding, even though it's in
12 the tobacco, you could make an adjustment.

13 Q Where does the potassium nitrate come in when
14 you say you could adjust for that? Is that a test you ask
15 the analytical testing department to conduct?

16 A Yes, ma'am. I ask them to -- we usually check
17 potassium nitrate.

18 Q And is it nitrite with an I or an A, nitrate?

19 A With an A. Actually it's just a nitrate. They
20 can detect nitrate. Can't tell whether it's potassium or
21 what. But potassium nitrate is indigenous of tobacco.

22 Q Why do you want to know the level of nitrates
23 in the tobacco?

24 A We have a denitration process to take nitrate
25 out that you can use with the RL process that you can't

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2 really use with any other process because you have the
3 solubles separate. So we have the capability to remove
4 nitrate, and we remove it.

5 Q What is undesirable about the nitrates?

6 MR. MCCORMICK: Objection. Foundation. You
7 can answer.

8
9 BY MS. BRECKENRIDGE:

10 Q Yeah. I'm sorry.

11 A As I recall, this is 20 years ago, there was
12 a -- discussion in the media or whatever about nitrogen
13 oxide in cigarette smoke. And we were able to find a
14 correlation between nitrate content and nitrogen oxide in
15 smoke. I believe there was a Reader's Digest article. We
16 found a way to -- because we had the RL process and you had
17 the solubles separate, and the nitrates tended to follow the
18 solubles, you had them in a place where you could get at
19 them. We found a way to get at them and remove them.

20 Q Does that mean then that for the tobacco that
21 doesn't go through the RL process, the nitrates are left in
22 by Philip Morris?

23 A There's no way the tobacco that goes through
24 the RL process, I don't know of any way to get it out.

25 Q Do you recall, was the controversy over the

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2 nitrogen oxide that the nitrogen oxide would be dangerous
3 for humans?

4 A I would imagine that that was the implication
5 of the article, but I don't know.

6 Q Are there any other compounds that you remove
7 as part of the RL process?

8 A No, ma'am.

9 Q Can you think of any other compounds which have
10 been identified as dangerous over the years that you remove
11 at any process?

12 A No, ma'am.

13 Q So it would just be the nitrates?

14 A I don't even know if they are dangerous, to be
15 honest. That's not my job. I was just asked to find a way
16 to get them out.

17 Q Were you involved in the development of the
18 process to remove nitrates during the RL process?

19 A Yes, ma'am, I was.

20 Q Would that have been about 20 years ago?

21 A Yes. 1976.

22 Q Okay. Have you been involved in the
23 development of any other process to remove any compounds in
24 tobacco?

25 A No, ma'am.

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Q Is it accurate to call nitrate a compound? Am I using the right terminology?

A I'm not sure, to be honest, the proper term. That sounds -- I believe it's a compound.

Q Now I asked you about tests that you might ask the analytical testing department to conduct, and you told me the test that you might ask them to conduct on the RL-type sheet. Are there other products that you would submit to the analytical testing department for testing other than the RL sheet?

A We might submit some of the feed stocks on occasion. The sheet feed stocks.

Q And what is a sheet feed stock? I have heard you use that term a couple times.

A That would be the materials that we're making the sheet from.

Q So then you'd have the analytical testing department test the actual materials?

A Yes, ma'am.

Q What would you ask the analytical testing department to test for?

A It would depend. If I was doing -- if I was making an RL, I would probably check hot water solubles because you are separating them. If you have very low

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solubles, you can't put as much back on. If I was making a BL sheet that was using factory dust that might have humectants on it already, I might analyze humectants on them so I could make a correction in the amount that I add so that I come out with the right amount of humectants.

Q Any other tests you might ask the analytical testing department to conduct on any product you create in your department?

A I believe that's pretty much everything that I've ever asked for.

Q Do you send products created in your department anywhere other than the analytical testing department for testing?

A Well, like I say, we have our own tensile machine.

Q You do the tensile?

A We do the tensile testing. And we double-check the sheet weight over there and do an equilibrated OV which is exposing it to known temperature and humidity, a controlled environment and see what it equilibrates to.

Q Does OV stand for oven volatiles?

A Oven volatiles.

Q And that's done right within your department?

A Yes.

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Q For the --

A And there's a filling power test called cylinder volume that you could -- that is done across the street which is how much space does 10 grams or 1 gram of shreds take up. It's a filling power test.

Q For the tests that are conducted in your department, what sort of documentation is created?

A There is a report on the tensile testing that will list all the sheet parameters and the strength, the elongation, the breaking strength, the sheet weight, the equilibrated moisture.

Q And are those reports kept in your department?

A Yes. That report would be filed with the test result.

Q Is there some sort of written documentation for each test which is conducted by your department?

A Yes. There's usually a run sheet that laid out what the parameters were, the sheet weights and that type of thing.

Q Can you tell me what percentage of your time you're presently spending on the Beta project? Estimate.

A It's probably close to 50 percent.

Q And can you estimate what percentage of your time you spend providing general support for the RL process

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or the BL process?

A I guess this past year probably 30 percent.

Q And what do you spend the other 20 percent of your time on?

A New process development.

Q And that would be new process development other than the Beta project; is that correct?

A Yes.

Q In your employment at Philip Morris, has anyone ever come to you and said we want to create a sheet product which maximizes nicotine delivery?

A No, ma'am.

(Mr. Lonnie D. Nunley, Esquire, is now present.)

BY MS. BRECKENRIDGE:

Q Has anyone ever come to you and asked you to create a sheet product which alters nicotine at all?

A No, ma'am.

Q And I guess how I should have phrased the question is, has anyone ever come to you and asked you to alter the nicotine content in any sheet product you were creating?

A No, ma'am.

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2 Q Have you ever been involved in your work
3 history at Philip Morris of nicotine testing at all in any
4 way?

5 MR. MCCORMICK: I'm going to object to the
6 question to the extent it may call for work product. And
7 the witness can answer anything other than -- anything that
8 you haven't done other than at the request of an attorney.

9 MS. BRECKENRIDGE: I just want to state for the
10 record in my wildest imagination I can't imagine how
11 nicotine testing would be related to litigation or any work
12 product.

13 MR. MCCORMICK: Well, as you know, the ABC case
14 involved the RL plant, so anything he may have done with the
15 ABC case or anything else to assist the lawyers, if he did,
16 is work product.

17 MS. BRECKENRIDGE: Are you saying nicotine
18 testing went on for the ABC case?

19 MR. MCCORMICK: No.

20 MS. BRECKENRIDGE: I'm asking about nicotine
21 testing.

22 MR. MCCORMICK: I'm telling the witness
23 anything he may have done at the request of a lawyer would
24 be work product and not to answer it. Anything he did in
25 connection with his job, you're entitled to inquire about.

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BY MS. BRECKENRIDGE:

Q I will ask you this, did you do any nicotine work in connection with the ABC -- the Philip Morris v. ABC case?

MR. MCCORMICK: Again I object to the question and instruct the witness not to answer about anything he may have done at the request of an attorney.

MS. BRECKENRIDGE: I'm not asking for content. That is not protected by the privilege. Whether he did the work is not privileged.

MR. MCCORMICK: I don't know if he -- the type of the work he did is privileged.

MS. BRECKENRIDGE: I didn't ask him that question.

MR. NUNLEY: Yeah, you did. You said did you do nicotine testing for the ABC case.

BY MS. BRECKENRIDGE:

Q Did you do any work for the ABC case?
Apparently you did or we wouldn't be having this discussion.

A Yes, ma'am.

Q Can you tell me if that work was related to your employment at Philip Morris?

A Yes, ma'am.

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Q Did the work go beyond collecting documents?

A Yes, ma'am.

Q Were you ever asked to testify in the ABC case whether you did testify or not?

A I was scheduled for a deposition.

Q And you did not give that deposition; is that correct?

A That is correct.

Q Were you scheduled for the deposition as an individual or as a spokesperson for Philip Morris?

A I believe as an individual.

Q Did you have an idea about what your testimony was being sought for?

A I never talked to any of the ABC attorneys. My involvement in sheet development, I would assume.

Q In connection with the ABC case, did you do work other than preparation for deposition?

MR. MCCORMICK: Object to the question and instruct the witness not to answer.

MS. BRECKENRIDGE: That is not protected.

MR. MCCORMICK: I don't know that I agree with that. Anything that any attorney, whether it's in ABC or any other case, instructed him to do or asked him to do is work product.

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2 MS. BRECKENRIDGE: I asked about -- all right.
3 Let's leave this line of questioning open which means we'll
4 leave the deposition open because I doubt I could get the
5 judge on the phone in Washington right now.

6 MR. MCCORMICK: Off the record for a minute.

7
8 (Discussion off the record.)

9
10 MS. BRECKENRIDGE: I'm going to ask the court
11 reporter to read back my last question.

12
13 (The record was read.)

14
15 MR. MCCORMICK: You can answer the question?

16 A I was asked to --

17 MR. MCCORMICK: Not what you were asked to do.
18 Just yes or no.

19 A Yes.

20
21 BY MS. BRECKENRIDGE:

22 Q The work you conducted in connection with the
23 ABC case, other than preparing for deposition, was that work
24 conducted at the request of lawyers?

25 A Yes, ma'am.

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Q Was that work done at the request of Philip Morris lawyers?

A You mean employed by Philip Morris or --

Q Employed by Philip Morris or retained by Philip Morris.

A Yes, ma'am.

Q And do you know -- did you prepare a report of the work you did? And I don't want to know what the report was.

A What do --

Q Did you report in any written form on the work you did? Yes or no?

A Yes.

Q Did you report orally on the work you did?

A Yes.

Q Did you report directly to the lawyers?

A Yes, ma'am.

Q Do you know if any of the work you did was produced in the ABC case to ABC or ABC's lawyers?

A I wouldn't know, ma'am.

Q How close to your deposition did you get in time? Was it scheduled a week out or --

A It -- I think it was about a week away.

Q Did you ever see the deposition notice for your

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deposition in that case?

A I don't believe so because we never -- it was still a week away.

Q Were you asked by Philip Morris lawyers to testify in the ABC case if it went to trial?

MR. MCCORMICK: Objection. Asked and answered. Go ahead and answer.

A No, ma'am.

BY MS. BRECKENRIDGE:

Q Other than work that you did in connection with the ABC case, which I understand may have involved nicotine because that's how we got into this area, have you ever during your employment at Philip Morris been involved in nicotine testing?

A I don't do testing for any chemical.

Q Have you ever been involved in assessing the nicotine level or evaluating the nicotine level in any product during your employment at Philip Morris?

A I'm not sure what you mean by assessing and evaluating.

Q Has the nicotine level of any product ever been of a concern to you during your employment at Philip Morris?

MR. MCCORMICK: Object to the form of the

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question.

A I said when we make test sheets we will analyze for a lot of things, among them would be alkaloid measurements.

BY MS. BRECKENRIDGE:

Q Now is the alkaloid measure a direct measure of the nicotine?

A Alkaloids include nicotine. There's some minor alkaloids.

Q When you're testing for alkaloids --

A I'm sorry? I missed the last part of your answer.

Q I wanted to see your answer.
When you're testing for alkaloids, do you care about any of the minor alkaloids, or are you only interested in the nicotine level?

A We're just looking for ballpark numbers.

Q And when alkaloids are tested for, are they broken down by alkaloids?

A No.

Q Is it just one measurement for all the alkaloids?

A Yes.

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Q The nicotine and the minor alkaloids?

A Yes.

Q Is it safe then to say that you could estimate the nicotine level by knowing the alkaloid level of a particular product?

A Yes, ma'am. I would say that.

Q Is there any reason that Philip Morris doesn't just check for the nicotine level rather than the alkaloid level?

MR. MCCORMICK: Object to form and foundation.

A Testing for alkaloids is just a quicker and easier and probably not as accurate test.

BY MS. BRECKENRIDGE:

Q Mr. Uhl, do you have any knowledge concerning nitrosamines in Philip Morris cigarettes?

A No, ma'am.

Q Do you know what a nitrosamine is?

A I know it's a compound that contains nitrogen.

Q Beyond that do you have any knowledge?

A No, ma'am.

Q Have you ever received results of nitrosamine tests during your employment --

A No, ma'am.

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MR. MCCORMICK: Let her finish the question.

BY MS. BRECKENRIDGE:

Q I'm afraid we're both trailing off, and it's making it difficult for the court reporter.

Mr. Uhl, have you ever been involved in the testing of the pH level of Philip Morris products during your employment at Philip Morris?

A Not that I recall directly. I believe I seen a pH number on some tobacco materials. I didn't ask for them. You know, not even sure where I saw them.

Q Have you ever asked for a pH test to be conducted on any of the products you were creating?

A No, ma'am, not that I recall.

Q Is the pH level of the sheet which you create at the pilot plant ever a factor to you, Mr. Uhl?

A No, that's -- I don't recall ever intentionally -- I don't recall ever testing pH on the sheet.

Q Do you know if there's anyone within your department either by name or job title who would test for pH or ask to have a product tested for pH?

A Not that I know of.

Q Do you know of any departments at Philip Morris

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2 where pH would be part of the testing?

3 MR. MCCORMICK: Object to the form of the
4 question and foundation.

5 A No. pH meters are a pretty common instrument.
6 Who would be testing what, I wouldn't really know.

7
8 BY MS. BRECKENRIDGE:

9 Q Mr. Uhl, do you have any knowledge concerning
10 the use of sodium carbonate in tobacco products at Philip
11 Morris?

12 A My understanding is I believe sodium
13 bicarbonate -- could you repeat the question?

14 Q Yes, sir. My question was whether you have any
15 knowledge concerning the use of sodium carbonate in Philip
16 Morris tobacco products?

17 A No. No.

18 Q Is sodium bicarbonate used in Philip Morris
19 tobacco products?

20 A No.

21 Q Have you heard of sodium carbonate or sodium
22 bicarbonate at all in connection with tobacco products?

23 A No, ma'am.

24 Q Mr. Uhl, do you have any knowledge concerning
25 the use of ammonium carbonate in tobacco products at Philip

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Morris? And I said ammonium carbonate.

A This, I believe, was ammonium bicarbonate. I believe a small amount was added to the ART filler during the extraction.

Q Were you involved in the ART project Mr. Uhl?

A Not in the denicotinization. This was a different group.

Q What group were you involved in?

A I was in the sheet process development.

Q During what period were you involved in the sheet process development for the ART project?

A I was in sheet process development period when I joined in '73 until '79. And then from '83 to '93. Process development.

Q During what period of time did you work on the ART project?

A I never worked on the ART project as far as the actual denicotinization. We evaluated some byproducts in the sheet.

Q Can you tell me when you evaluated byproducts of the sheet?

A This would be 1990 approximately. Don't remember exactly.

Q And do you recall which byproducts you

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evaluated?

A The stems.

Q When you say you evaluated the stem byproducts, that would be the stem byproducts from the ART process; is that correct?

A Yes, ma'am.

Q And what did you evaluate them for?

A Included them in test sheets for subjective evaluation for taste testing.

Q In addition to the subjective testing, did you have any chemical analysis conducted of the sheet, the test sheet?

A Yes, ma'am. We always do analysis of any test sheet.

Q And what analysis would you have requested for this test sheet? Or what analysis did you request for this test sheet?

A I don't recall exactly, but it would be comparable to the list that I gave you for the pilot plant test sheet.

Q Would you remember any of the results of that test as we sit here today?

A I don't believe so.

Q Do you know why the ammonium bicarbonate was

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used in the ART sheet?

A Ammonium bicarbonate was never used in the ART test sheets.

Q I'm sorry. I've made a mistake. Was it your testimony that ammonium bicarbonate was used in a Philip Morris product at some time?

A What I said was there was a small amount. I don't know, I know it was a small amount of ammonium bicarbonate, I believe, added to the ART filler to aid in the extraction.

Q And would the ART filler extraction be the denicotinization?

A Yes, ma'am.

(Mr. Nunley departed.)

BY MS. BRECKENRIDGE:

Q Do you know why ammonium bicarbonate would be used to aid an extraction?

A It's a mild base, but I wasn't involved in that.

Q Do you have any knowledge of what the affect of ammonium bicarbonate would be on tobacco?

A No, ma'am. I assume if it was -- chemistry is

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2 not my mainstream. I would assume a mild base aided in the
3 nicotine extraction, I believe, is why it was added.

4 Q But you weren't involved in the actual nicotine
5 extraction; is that correct?

6 A No.

7 Q Have you ever been involved in the testing of
8 cigarettes at all in your employment at Philip Morris?

9 A No. Other than I participate in some taste
10 test panels as a volunteer taster.

11 Q How are those taste test panels put together?

12 A They will ask for volunteers once in a while.
13 Sometimes -- I smoke my own sheet products that I make. I
14 don't know which is the control and which is the test.
15 Sometimes I run a test and I think it should taste good and
16 they tell me it doesn't and I want to see for myself.

17 Q So then is your only experience or expertise
18 for the taste test the fact that you're a smoker?

19 A Yes, ma'am.

20 Q It doesn't have to do with your particular job
21 or function at Philip Morris as an employee?

22 A No.

23 Q Mr. Uhl, have you had any contact with Philip
24 Morris Europe during your employment at Philip Morris?

25 A A few times.

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Q What would that contact be or would it have been?

A We have some of the people from Philip Morris Europe R&D come here to view a new process that we're developing in the pilot plant, like a new expanded tobacco process or something. Just sort of a familiarization thing.

Q Would there -- I'm sorry. Did I interrupt you?

A And I have been over there on a few occasions.

Q Where have you been over there?

A To the R&D facility.

Q Where is the R&D facility at Philip Morris Europe?

A In Neuchatel, Switzerland.

Q Do you know what R&D operations take place at Neuchatel?

A I believe I've only ever interacted with the process development group.

Q Would there be a process development group at Neuchatel who's doing work similar to what your department does?

A They don't do much in the way of pilot plant work. They are mostly evaluating new pieces of vendor-offered equipment for the factories.

Q Is the Neuchatel facility part of Philip Morris

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Europe?

A I believe so.

Q Have you had any contact with INBIFO?

A No. I've never been to INBIFO or anything.

Q Do you know what INBIFO is?

A I know of it. I was in one meeting for a half hour with somebody from INBIFO one time.

Q Was that a long time ago?

A That was probably four years ago.

Q Was it a meeting concerning a particular project?

A It was the start of my involvement with the Beta project.

Q Did the meeting concern the Beta project?

A Yes, ma'am.

Q Have you had any contact since then with INBIFO?

A Not since or before.

Q Do you know if Philip Morris has a policy concerning contact between Philip Morris USA and INBIFO?

A I know of no such policy.

Q Do you receive documents created at INBIFO at any time?

A No, ma'am.

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Q Who's responsible for handling documents in your department?

A Marion Debartelaben is document coordinator.

Q Does she have a title?

A I believe she's manager.

Q Is she a manager of a particular area?

A Yes, ma'am.

Q Do you know the area?

A I'm not sure what the name of the area is.

Q Is she an R&D employee?

A Yes, ma'am.

Q And if documents are created in your department -- or when documents are created in your department, are they forwarded to -- I've got to call her Marion because I can't pronounce her last name. Are they forwarded to Marion for handling?

A No. No. Marion is -- central file is under Marion.

Q And is the central file for -- the central file for R&D or for Philip Morris?

A R&D.

Q Do you know how the documents are indexed in the central file?

A No.

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2 Q Do you ever have reason to request documents
3 which are kept in the central file?

4 A I have done that on occasion.

5 Q How would you go about making a request?

6 A I go over there and talk to the people in
7 central files.

8 Q And then do you know how they would do a search
9 for the documents you wanted?

10 A I would try to give them the topic that I'm
11 interested in.

12 Q What would be an example of a topic you'd be
13 interested in?

14 A I might be looking for something on infrared
15 dryers. I might want to see what -- you know, depends on
16 the area. What had been done with CO2 expansion.

17 Q Now do you know how central files would then do
18 the search? Would it be an electronic search, for instance?

19 A I'm not sure. I believe some of the newer
20 stuff is electronic and the older stuff is microfiche.

21 Q It sounds as if you don't really deal with the
22 indexing, the central file documents?

23 A No, ma'am, I do not. In my 24 years I've
24 probably asked them to look something up for me three or
25 four times.

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Q Do you have a computer yourself in your work?

A I do since January or February, March, somewhere around there. They made me get one so I could be on E-mail.

Q Do you have access to the central files through your computer?

A No, ma'am.

Q Do you know if anyone in your department does?

A Not that I know of, but I don't believe so.

Q Do you know what you can access through your computer?

A I'm not a real computer-literate person. I use it for E-mail and creating word documents. That's about it.

Q And then is the E-mail for all of Philip Morris USA, do you know? If you know.

A There is Philip Morris USA E-mail. I don't know -- I don't know where all it goes. I never -- I talk to -- mostly it's within R&D. And the people on the Beta project. That's most of my involvement on E-mail.

Q Do you exchange project information with people on the Beta project via E-mail?

A Not normally.

Q Do you exchange project or work information with R&D people via E-mail?

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2 A Rarely. Most of -- not data transmittal.
3 Sometimes we might get some data. Most of it's, you know,
4 the equivalent of a phone call type of specific point
5 information.

6 Q Okay. Does your department have a document
7 retention and destruction policy?

8 A Yes, ma'am, we do.

9 Q And is that a policy specific to your
10 department, or is it a Philip Morris policy?

11 A I'm not really sure. I know it applies to --
12 it's an R&D-wide policy.

13 Q Have you seen the policy?

14 A Yes, ma'am. I have a copy of it.

15 Q Do you follow the policy?

16 A I try to as best I can.

17 Q Have you ever been asked to destroy documents
18 in violation of the policy?

19 A No, ma'am, I have not.

20 Q Mr. Uhl, does the term nicotine spiking have
21 any meaning to you?

22 A I'm familiar with the term from the ABC
23 litigation. The Day One broadcast.

24 Q Is it a term that's ever used around Philip
25 Morris other than in that context?

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2 A No, ma'am.

3 Q Have you ever been involved in safety
4 assessment of ingredients?

5 A No, ma'am. If we were using a new ingredient,
6 we would -- probably we'd submit it for analysis and
7 approval to use. Just like you would on an existing
8 ingredient on a new supplier. It's like QA process.

9 Q Would you be involved in that process for
10 submitting it for testing?

11 A If I had a new material that I thought I wanted
12 to use, I would have to submit it, yeah.

13 Q Have you ever done that?

14 A I've done it on a few occasions, I believe.

15 Q What would be an example of a material you
16 would have submitted?

17 A The latest one was a processing aid which would
18 be something that's -- this particular thing was called a
19 retention aid that you would use on a paper machine.

20 Q Is it a particular chemical or substance?

21 A Yes, ma'am.

22 Q What was that substance?

23 A I don't know.

24 Q Are you aware of any cigarette components that
25 are dangerous to human health?

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A No, ma'am. It's not my -- I mean, I'm basically making sheet in the pilot plant. I don't get into ingredient issues from that standpoint. But I don't know of any.

Q Do you have a personal opinion on whether there are components of cigarettes or cigarette smoke that are dangerous to human health?

A I don't even know the components of cigarette smoke.

Q Do you think cigarettes are dangerous to human health?

A I don't really know. I know there's a lot of discussion on it. I don't see many facts anyplace.

Q Do you believe there's a link between cigarette smoking and cancer of any kind? And I'm asking for your opinion.

A I really don't know.

MS. BRECKENRIDGE: Can we go off the record for a minute.

(Recess)

(Mr. Nunley returned.)

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BY MS. BRECKENRIDGE:

Q Mr. Uhl, are you familiar with a company called LTR in France?

A Yes, ma'am.

Q And what does LTR do?

A They are a jobber. They make reconstituted tobacco.

Q Does Philip Morris ever use LTR's reconstituted tobacco?

A Philip Morris USA has never used any of LTR's tobacco to the best of my knowledge.

Q Has Philip Morris Europe ever used LTR tobacco?

A Yes, ma'am.

Q Is the only thing that LTR produces is reconstituted tobacco to your knowledge?

A Yes, ma'am.

Q Do you know what else LTR --

A I believe that is all they produce.

Q And has Philip Morris International ever used LTR's product?

MR. MCCORMICK: Object to the form. Calls for speculation.

If you know, you can answer.

A Yes, ma'am, I believe they have.

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BY MS. BRECKENRIDGE:

Q How do you know that?

A I've been asked to run a trial over there for Philip Morris Europe.

Q Where did you run the trial?

A At LTR.

Q When would that have been?

A 1990 or '91 there were two trials. And one this year.

Q And were those trials conducted for Philip Morris International?

A Provided technical assistance for Philip Morris International, yes.

Q You, Mr. Uhl, provided the technical assistance for Philip Morris International?

A Yes, ma'am.

Q Do you know is there such an entity as Philip Morris Europe?

A Yes, ma'am.

Q Is that separate from Philip Morris International?

A No, ma'am.

Q Are they used -- are the terms Philip Morris Europe and Philip Morris International used interchangeably?

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A Philip Morris Europe is part of Philip Morris International.

Q Who asked you to do the -- run the trials on the LTR product?

A My boss, Mr. Gomes.

Q Were the trials run on a LTR recon product?

A Yes, ma'am.

Q Did the product have a particular name?

A We just gave it a number designation.

Q Was it a product that LTR produced specially for Philip Morris?

A Yes, ma'am.

Q Do you know what was special about that LTR product?

A It was our tobaccos.

Q So LTR used your tobaccos to create a recon sheet; is that accurate?

A Yes, ma'am.

Q Why wouldn't Philip Morris USA have made the same sheet?

A Capacity issues.

Q Are you at full volume capacity at the Philip Morris sheet making plants?

A Yes, ma'am. That was basically the situation.

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Q Do you have sheet making capacity anywhere else in the world?

A There is a BL-type plant in Venezuela.

Q Did you ever consider moving your overrun to Venezuela.

MR. MCCORMICK: Objection to the form.

A I don't participate in those decisions.

BY MS. BRECKENRIDGE:

Q Did you ever hear any discussions about moving?

A I believe there has been discussions about Venezuela making some sheet for Europe also, but they are two different types of sheet. They taste different.

Q What are -- are the two different types of sheet BL and RL?

A Yes, ma'am.

Q What do they make in Venezuela?

A The BL type.

Q What was the sheet made at LTR?

A That's an RL type.

Q How was the RL sheet made at LTR different from the RL sheet made in the United States?

A If we did our job right, it wasn't different.

Q Was the objective of your job to create the

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exact same sheet?

A Yes, ma'am.

Q And there were no facilities in Europe to make the sheet; is that correct, Philip Morris facilities in Europe to make the sheet?

A No, ma'am.

Q Was this sheet created or produced at LTR in France?

A Yes, ma'am.

Q Was the sheet produced a nicotine-fortified product in any way?

A No, ma'am.

Q Have you ever heard that LTR has boasted about the fact that the recon process can be used to manipulate nicotine?

A In the Day One broadcast, they had an LTR brochure that they were showing on the broadcast that had something about LTR made some statement they could adjust their nicotine.

Q Aside from the Day One broadcast -- I take it you saw the Day One broadcast?

A Yes, ma'am, I did.

Q Aside from the Day One broadcast, have you seen any LTR advertisements where they promoted their ability to

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control nicotine delivery? They being LTR.

A No, ma'am. Just that brochure that was on the Day One.

Q In 1990 why were you running a trial at LTR?

A It was capacity issues at that time.

Q In all of the three times that you participated in the production of the sheet product at LTR, 1990, 1991 and 1997 --

A The first two were really back to back. I just -- '90, '91 is shaky with me.

Q But then in both instances was it a capacity issue? Is that why you went to LTR?

A Yes, ma'am, it was.

Q Have you ever been involved in the testing of competitors' -- Philip Morris competitor products?

A No, ma'am.

Q To your knowledge has Philip Morris ever purchased LTR products for any purpose including testing?

A I said Philip Morris Europe has sheet made there.

MS. BRECKENRIDGE: I'm going to show you a document here if I could have it marked.

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2 (UHL EXHIBIT NO. 1

3 was marked for identification.)

4
5 BY MS. BRECKENRIDGE:

6 Q I'd like to ask you to take a minute to read
7 this Exhibit 1 to your deposition.

8 A All right.

9 Q Have you seen this memorandum before, Mr. Uhl?

10 A It looks familiar to me. I see I'm on the copy
11 holder. I probably have, yes.

12 Q Is there any reason to believe this isn't a
13 Philip Morris memorandum?

14 A No, ma'am.

15 Q Is this the format that Philip Morris uses for
16 interoffice correspondence?

17 A Yes, ma'am.

18 Q In the body of this memorandum, there is a
19 sentence that states, Members of the flavor technology panel
20 and the Richmond panel have subjectively evaluated Marlboro
21 cigarettes containing sheet made at LTR in France. Were you
22 involved in this testing?

23 A I was over there. That's the sheet that we
24 made, the first sheet that we made in 1990 or '91, whichever
25 it was.

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Q Okay. Is that why you were copied on this?

A Yes, ma'am.

Q And the sheet that was made at LTR in France then, was that the sheet that you testified earlier was made from Philip Morris products or byproducts?

A Yes, ma'am.

Q And that sheet was made to Philip Morris specifications?

A Yes, ma'am.

Q Was there any sheet used that you would consider LTR sheet? That you purchased from LTR.

A I'm sorry. I don't understand the question.

Q Did you pay LTR to make this sheet?

A I would assume we did. I wasn't involved in the finance part of it or paying for the trial.

Q Who actually did the work on creating the sheet? Was it LTR staff or Philip Morris staff?

A Philip Morris staff. I mean, Philip Morris specified the tobacco blend and it was our ingredients.

Q What is LTRL as referred to in this memorandum?

A That was just the acronym that we gave to the first test sheet to identify it. LTR of course obviously referring to LTR, and RL being the type of sheet. LTRL just seemed like a handy acronym.

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Q What is the RLTC?

A That is a product that was made at Park 500 at that time. The designation.

Q Now it appears that at the conclusion of this memorandum there is a recommendation that LTRL not be used as a replacement for RLTC. Is that your recollection of what happened at the end of the LTR project?

A That was the conclusion for this test material, yeah.

Q And so did you ever actually make sheet at LTR in France to be used in products?

MR. MCCORMICK: I'm going to object to the form of the question because I think it's way over broad. PM Europe?

BY MS. BRECKENRIDGE:

Q I'll ask a different question. Why was the LTRL rejected?

A It didn't taste good. Hot and peppery was what I remembered about it.

Q But your earlier testimony was that you were making the sheet in France according to Philip Morris specifications; wasn't that correct?

A That is correct.

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Q And you were trying --

A But --

Q Let me finish. And you were trying to replicate --

MR. NUNLEY: You were interrupting him.

BY MS. BRECKENRIDGE:

Q Go ahead. I apologize.

MR. MCCORMICK: Were you finished with your answer?

A Our specifications were the feed stock. It was our tobaccos, it was our flavor ingredients, humectants, our materials that we shipped over there. But it's their equipment. And you get -- processing differences can make a difference in the taste, and that's what happened. That's why we test it.

BY MS. BRECKENRIDGE:

Q Okay. Would it be your testimony then that the only variable that changed in the process used at LTR in France in 1991 was the equipment?

A Yes, ma'am. And the conditions that the equipment runs at. When we're at LTR, we don't have Carte Blanche to wander through the whole process because partly

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we're a competitor. They are not in the cigarette business,
but --

Q Right.

A -- we have a competing technology.

Q But the specifications used for creating the
sheet in 1991 were Philip Morris specifications?

A Yes, ma'am.

Q And because of the equipment you could not
replicate the product that was created in Richmond?

A We could not -- we could replicate the
humectant levels, et cetera. We could replicate the tobacco
blend obviously; we provided that. But it could have had
the temperature a little too high someplace or treated
something differently and it didn't taste right.

Q And then six years later you decided to try
again in 1997?

A Yes, ma'am.

Q What were you trying to replicate in 1997 at
LTR?

A Basically the same type of sheet.

Q Now are you selling so many cigarettes that
your factories in America can't handle it anymore?

MR. MCCORMICK: Object to the form and
foundation.

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A Demand exceeded capability at the sheet plant, so one would assume sales were pretty good. I don't get into the sales thing. I know that the demand was high enough that we needed additional sheet. It goes up and down with export business.

BY MS. BRECKENRIDGE:

Q Were you able in 1997 to create the product you wanted at LTR?

A We did much better. We were able to change some of the processing.

Q Can you tell me what parts of the processing you changed?

A Well, we had learned in the second trial in '91, this being the first trial, the second trial, came back to the pilot plant and tried some things and recommended a change in processing to them.

Q What was the change in processing?

A To not use as much. They were doing a double extraction that the -- just the order of processing diluted the extracted liquor too much, and so when you evaporated it, you can't put all that water back on the sheet or it would just turn to mush again. So you concentrate it to about 50 percent solubles.

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Q Is that how they got the peppery taste in '91?

A I believe -- it was my opinion that they got the peppery taste because they were too diluted to start with, and to get to the end point, they had to put too much temperature into it.

Q Is that the result of an equipment difference?

A Equipment and processing difference. I mean, there are many, many pieces of equipment in this process and many points at which the consistency or the solids and the temperature, et cetera, can be different. There's many opportunities to not do it right.

Q Will you be able to use commercially the LTR product you're creating in France this year?

A I believe this product will be satisfactory for use in Europe.

Q Would it be satisfactory for use in the United States?

A We would have to do additional testing in our own brands, in the domestic brands, but I would think it had a good shot. But it seems to be fairly good quality.

Q In 1991 it appears you were evaluating the product in Marlboro cigarettes?

A Those are just test Marlboros. To test it you put it in -- you use it as a replacement for our sheet in a

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product that you know. So those are not production Marlboros, those are test Marlboros that only get smoked for subjective testing.

Q Are the specifications being used at LTR this year for the production of LTR sheet product the same specifications used in the United States for a sheet product?

A Yes, ma'am. They are basically the same.

Q If they are basically the same, are there any differences?

A We don't have all the -- with the flavor ingredients, we're not providing them specification on flavor ingredients because we're not telling them what the flavors are.

Q And does that mean that you are providing the flavors to them?

A Yes, ma'am, we are.

Q And would the flavors that you provide to them be the same as the flavors used in the process in the United States in 1997?

A Yes, ma'am.

Q So really in terms of the specifications, your testimony is that there is no difference?

A We're trying to as much as we can have it the

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same.

Q In your work in the pilot plant in Richmond, are there certain manuals that govern how you work?

A Not a manual. I wouldn't say, no.

Q Are there certain guides to the work you do?

A No. There are certain procedures, like for to do a test to make a test sheet, there's a test request that gets filled out so you know what you're trying to make.

Q Is there a book or something that's written down to guide you in the making of a sheet?

A No, ma'am.

Q How do you know?

A There is a -- that's what I've been doing for 24 years. The larger part of it. There is an operations manual that was written probably in 1974 that nobody looks at any more because we -- the people know how to run it.

Q What would be included in the operations manual?

A To start up equipment you turn this on first and make sure this valve is open and just the order of opening valves and turning on equipment. The order of shutting down and maybe cleanup procedures.

Q Is that process more or less passed from employee to employee now by word of mouth as opposed to

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reference to the operations manual?

A It's passed primarily by on-the-job training.

Q Has it changed since the operations manual was written in about 1974?

A Not appreciably.

Q Are there directions for how to make a sheet or how to make a particular sheet product in the operations manual?

A No, this is just how to operate the various pieces of equipment.

Q Are there any sources which would explain how to make a particular sheet?

A No. I mean, if the flavor development people wanted to try a new flavor, they would come over and talk to me and we would prepare one of these run requests. They would tell me they got flavor A32 and it's 50 percent solids and they want to end up with 1 percent in the sheet, you know, and the rest of it is kind of would be standard.

Q Excuse me. Are the run requests different from the specification sheets?

A For the pilot plant we basically -- by listing on the run requests what you're trying to -- what levels you're trying to hit in the sheet, you're basically setting the specification.

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Q Are the run requests retained after a run is done?

A Yes, ma'am.

Q And where would they be maintained?

A In the pilot plant file.

Q And is the pilot plant file separate from the file maintained in central files?

A Yes, ma'am. Because it's usually just a data sheet.

Q Is there one person who has responsibility for maintaining the pilot plant files?

A I guess that would be the supervisor of the pilot plant.

Q And who would that be?

A Pat Kowling at the present time.. But it's -- I guess the responsibility comes under John Gomes.

Q Is there -- other than the run requests and the specification sheets, are there any written directions which you follow in completing your work in the pilot plant?

A No. That's basically it. There may be -- if we're doing something in the pilot plant, you're trying different things all the time. And if it's something out of the ordinary, there might have to be a few lines of special instructions in the test requests, but that's really part of

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the test requests.

Q Have you ever been asked to replicate a competitor's product in your whole tenure at Philip Morris?

A Not that I recall.

Q Would you consider yourself the Philip Morris expert in the recon area?

A I wouldn't say that. I mean, I've -- the past five years if I've been once a year to Park 500, that would be it. I've been working on helping the BL plant with a capacity increase issue.

Q Who would you go to if you had questions concerning the recon process?

A Well, it depends which recon process.

Q What about the RL process?

A The RL process I'd probably talk to the people who work at Park 500.

Q Is there a particular person you would call?

A Plant manager down there has been there for a long time.

Q Who's that?

A Jimmy Narron.

Q And what about at the BL plant?

A At the BL plant Willie Hayes is the manager. It would depend. If you want an equipment person or

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equipment question, I might talk to Tom Bullough.

Q Mr. Uhl, did you have any records subpoenaed by the grand jury last year? And just a yes-or-no answer.

A I don't know what the grand jury per se subpoenaed of themselves. I've had -- there have been seven or eight waves of lawyers in my office, okay, or paralegals, whatever. There were documents. They did have documents of mine.

Q Do you know Claire Purcell?

A I believe -- yeah. I know Claire Purcell.

Q Do you recall meeting with Claire Purcell or talking to Claire Purcell when she was preparing for a deposition this year?

A Six months ago? Like that?

Q Probably.

A I believe I talked to her on the telephone. She may have come over to my office for ten or fifteen minutes.

Q Do you recall any particular documents she was interested in?

A No, ma'am.

Q Do you remember what you talked about?

A Not precisely. I would assume it had something to do with sheet. I'm not even sure where she

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works right now to be honest with you.

Q Mr. Uhl, have you ever been Philip Morris's representative in any tobacco industry group?

A No.

Q Have you ever been a member of a tobacco industry group?

A No.

Q Have you ever been a member of any outside organization on behalf of Philip Morris?

A No.

Q Have you ever given a talk outside Philip Morris concerning your work at Philip Morris?

A No.

Q Have you had any contact with the tobacco institute?

A No.

Q Have you had any contact with a group called CTR or the Counsel for Tobacco Research?

A No.

MS. BRECKENRIDGE: I'd like to have another document marked as an exhibit.

(UHL EXHIBIT NO. 2
was marked for identification.)

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BY MS. BRECKENRIDGE:

Q If I could just ask you to take a minute to read this memorandum.

A Is there a particular section you --

Q I can ask the questions and then if you determine you'd like to read it more carefully, take the time then, or you can read it as carefully as you like now.

MR. MCCORMICK: It's about three pages. Is there any particular paragraph you'd like him to look at?

MS. BRECKENRIDGE: I don't know what his involvement in the document was. No.

MR. MCCORMICK: Do you want to see what the questions are?

BY MS. BRECKENRIDGE:

Q Probably you should read it, I guess.

A All right.

Q Mr. Uhl, the document I handed to you, Exhibit 2, appears to be a Philip Morris memorandum entitled Interoffice Correspondence to Mr. Burnley from Mr. Alonso, Re: Monthly development summary, March 1990. And you are copied on this memorandum; is that correct?

A Yes, ma'am.

Q Do you recall receiving this memorandum?

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2 A Not specifically, but I'm sure I did.

3 Q Does this look -- okay. You're sure you did.
4 My first question is, is a monthly development summary sent
5 out every month?

6 A That was the practice at this time.

7 Q Do you know for what period that would be the
8 practice -- would have been the practice?

9 A I believe it was being done when I joined R&D
10 in '73. I think the formal report like this stopped
11 about -- probably shortly after this.

12 Q Was the monthly development summary for all of
13 R&D?

14 A Yes, ma'am.

15 Q And would this be the whole summary for R&D
16 that month, March 1990?

17 A No, ma'am.

18 Q Would this merely be Mr. Alonso's section of
19 the report for March 1990?

20 A Yes, ma'am.

21 Q Who would submit monthly development
22 summaries, do you know?

23 A Mr. Alonso was manager. I think each of the
24 managers submitted one at that time. Earlier I think
25 individual project leaders were submitting them.

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2 Q And what was Mr. Alonso's area of
3 responsibility at this time, do you know?

4 A He was in charge of the -- not sure what
5 the -- I think it was tobacco materials division.

6 Q Would this be the summary for the tobacco
7 materials division then?

8 A Yes, ma'am. I would assume that, yeah.

9 Q Did you receive this as a member of the
10 tobacco materials division?

11 A Yes, ma'am.

12 Q And the people listed with you on the CC list
13 at the end of the document on Page 3, would those people all
14 be in the tobacco materials division other than the central
15 files?

16 A I'm not sure. I think Mr. Fox was and Mr.
17 Prasad and I was. I'm not sure about Mr. Holland. I think
18 he was coming into the department, and this was a courtesy
19 copy for him. And I think he came in that time sometime
20 around there.

21 Q Do you recall if you drafted any part of this
22 memorandum?

23 A I probably did draft parts of this.

24 Q Are there particular -- can you identify which
25 parts you drafted?

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A Yes, ma'am. On the second page I believe I would have drafted the part on stem utilization.

Q Is that the section which appears at the top of Page 2?

A Yes, ma'am.

Q And why do you think you would have drafted the portion on stem utilization? Was that one of your projects?

A Because we were trying to find a use for the stems. If you will note in the second paragraph, it talks about a pilot plant RLTC sheet. I would have been involved in the sheet making.

Q Are there any other sections which you believe you drafted in this memorandum?

A I'm not -- there's a possibility -- I don't believe I did the cast sheet part. I had some involvement with cast sheet, but I don't believe at this time. The liquid flavor for reconstituted products I would have drafted. The paper making technology section I would have drafted. The banded papers and the proprietary filter material, those three, the last three sections -- the last one I had nothing to do with. The sections on paper making technology, banded papers, proprietary filter materials I may not have drafted. Somebody might have drafted them. I

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would have a approved them and given them to Mr. Alonso.

Q Under the proprietary filter material section, there's a reference to evaluations by cigarette technology. What is cigarette technology?

A They are part of the product development directorate.

Q Do you know if they are still called cigarette technology?

A I don't know for sure.

Q What was their function at this time?

A Give me a moment to read over what they were doing here.

Q Sure.

A All right. We were asked to see if we could produce a suitable filter material by a paper making processing standard instead of the standard cellulose acetate toe form. And we provided the material to them. They made cigarettes to see how it performed, if it tasted different, if it filtered properly, et cetera. So they were evaluating the test material that we made.

Q Do you know if that is conducted by the project tests laboratory today?

A My involvement with this whole paper area covered about a year, and I've had no involvement with it

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since.

MS. BRECKENRIDGE: Okay. Mr. Uhl, I don't have any further questions for you.

THE DEPONENT: Okay.

MR. MCCORMICK: In accordance with the protective order, we'll designate the transcript provisionally confidential until we've had a chance to review it.

MS. BLANK: I think highly confidential.

MR. MCCORMICK: Obviously read and sign.

And further this deponent saith not.

(This deposition concluded at 12:07 p.m.)

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4 _____
5 Richard G. Uhl
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9 Commonwealth of Virginia, to wit:

10 Subscribed to before me

11 this _____ day of _____, 1997.
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15 _____
16 Notary Public

17 My commission expires: / / .
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COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

I, Michaela Herman Davis, RPR, commissioned as Michaela H. Herman, Notary Public in and for the Commonwealth of Virginia at large, and whose commission expires July 31, 2000, do certify that the aforementioned appeared before me, was sworn by me, and was thereupon examined by counsel; and that the foregoing is a true, correct, and full transcript of the testimony adduced.

I further certify that I am neither related to nor associated with any counsel or party to this proceeding, nor otherwise interested in the event thereof.

Given under my hand and notarial seal at Richmond, Virginia, this 3rd day of December, 1997.

Michaela Herman Davis, RPR - Notary Public
Commonwealth of Virginia at Large

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